

APPROVED BY THE BOARD OF SELECTMEN

**MINUTES
BOARD OF SELECTMEN
SPECIAL MEETING
JUNE 23, 2003**

ATTENDANCE: First Selectman Robert Harrel; Evonne Klein; Joseph Warren; Dr. Joseph Miceli; Barbara Thorne

STAFF: John Crary, Town Administrator

OTHERS: Mary Ann Obuchowski, Tax Assessor; Linda Santarella

First Selectman Harrel called the meeting to order at 8:00 p.m.

REGULAR MEETING

NEW BUSINESS

**RESOLUTION SETTling A LAWSUIT WITH GARDEN HOMES DARIEN L.P.
REGARDING THE ASSESSED VALUATION OF 397 BOSTON POST ROAD.**

First Selectman Harrel asked Mary Ann Obuchowski to provide background information to the Board. She stated that in 1999, during a revaluation, the applicant of the property was asked to provide income and expense reports, which they did not provide. It was therefore assumed that they were charging market value rent, which they were not, and the property was therefore valued at \$2,639,000 based on the rent roll. She stated that this is a unique building and does not fit any of the models when doing a valuation of a building, and therefore it was overvalued.

Ms. Obuchowski continued that four years later this is just getting to court to dispute the valuation. She stated that both the Town and the applicant have hired appraisers and their appraisal comes in lower than the Town's. She stated the Town's attorney has spoken to their attorney and they will settle for a valuation of \$2,050,000 for the period 1999 to 2002. The Town's attorney suggested that this was a no win situation and recommended settling. Ms. Obuchowski also recommended settling and cutting the losses already obtained for the appraisers, attorney fees and marshal fees.

Dr. Miceli questioned the square footage of the commercial building. Ms. Obuchowski replied it was 14,000 square feet. Dr. Miceli commented that the value was very close.

Mr. Warren stated that the homework has been done and that it was silly to drag it on and incur more expenses. He questioned the process when people do not provide the requested

information and felt that there had to be a way to address this situation. He suggested contacting the State Representative. First Selectman Harrel stated that there is currently no penalty for not getting the information.

**** MR. WARREN MOVED TO APPROVE AND WAIVED THE READING OF THE FOLLOWING RESOLUTION:**

WHEREAS, GARDEN HOMES OF DARIEN L.P. HAS FILED A SUIT AGAINST THE TOWN OF DARIEN THAT DISPUTES THE VALUATION THAT HAS BEEN ESTABLISHED FOR THEIR PROPERTY LOCATED AT 397 BOSTON POST ROAD, AND

WHEREAS, THE TOWN AND THE APPLICANT HAVE HIRED INDEPENDENT APPRAISERS TO DETERMINE THE MARKET VALUE OF THE PROPERTY, AND

WHEREAS, TOWN COUNSEL HAS NEGOTIATED WITH THE LEGAL REPRESENTATIVE OF THE APPLICANT AND RECOMMENDS THAT A SETTLEMENT BE ENTERED INTO, NOW THEREFORE BE IT

RESOLVED, THAT THE BOARD OF SELECTMEN HEREBY AUTHORIZES THE 1ST SELECTMEN TO ENTER INTO AN AGREEMENT WITH GARDEN HOMES OF DARIEN L.P. TO SETTLE THIS MATTER AND APPROVES CHANGING THE ASSESSED VALUATION OF THE PROPERTY LOCATED AT 397 BOSTON POST ROAD TO \$2,050,000, FOR THE PERIOD OF 1999 TO 2002.

**** MS. THORNE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

RESOLUTION GRANTING PERMISSION TO THE CHAMBER OF COMMERCE TO HOLD THEIR ANNUAL SIDEWALK SALE FROM JULY 10 TO 12, 2003.

Ms. Klein questioned the request in the letter from the Darien Chamber of Commerce for temporary suspension and waiver of the Town's Zoning Regulations for businesses participating in the sidewalk sales. She stated that this was inconsistent in what is allowed and not allowed. She continued that she hoped the that the next time the Boy Scouts could have a similar resolution come before the Board asking for similar things.

First Selectman Harrel stated that they were asking for zoning regulations for the sidewalks. Mr. Warren stated there was misinformation with the Boy Scouts Tag Sale because they did try to find them an alternate location and they did not choose it. He continued that the Boy Scouts

cabin is located in a residential neighborhood that does not block businesses, while the sidewalk sales are in downtown commercial areas, therefore the problems they present are different. He stated he hoped that next year the Boy Scouts could find a solution.

**** MR. WARREN MOVED TO APPROVE AND WAIVED THE READING OF THE FOLLOWING RESOLUTION:**

WHEREAS, THE CHAMBER OF COMMERCE HAS REQUESTED PERMISSION TO CONDUCT THEIR ANNUAL SIDEWALK SALES ON JULY 11 AND 12, WITH A PREVIEW DAY OF JULY 10TH, AND

WHEREAS, THE CHAMBER OF COMMERCE HAS ALSO REQUESTED THAT THE BOARD OF SELECTMEN APPROVE A TEMPORARY SUSPENSION AND WAIVER OF THE TOWN OF DARIEN'S ORDINANCES AND PARKING RESTRICTIONS DURING THESE THREE DAYS TO PERMIT LOCAL BUSINESSES TO PARTICIPATE IN THIS ANNUAL EVENT, AND

WHEREAS, THE CHAMBER OF COMMERCE WILL ALSO PROVIDE ALL NECESSARY CERTIFICATES OF INSURANCE THAT MAY BE REQUIRED, NOW THEREFORE BE IT

RESOLVED, THAT THE BOARD OF SELECTMEN HEREBY GRANTS TO THE CHAMBER OF COMMERCE PERMISSION TO HOLD THEIR ANNUAL SIDEWALK SALES DURING THE PERIOD OF JULY 10 TO 12.

**** DR. MICELI SECONDED.
** MOTION APPROVED UNANIMOUSLY.**

RESOLUTION AUTHORIZING PERSON TO PERSON TO USE THE TOWN HALL PARKING LOT ON SUNDAY, SEPTEMBER 28, 2003.

Ms. Thorne questioned if it was thought about using the beaches for the event. First Selectman Harrel replied it was, however there was also a runner event going on that same day. He stated he looked into Weed Beach.

**** DR. MICELI MOVED TO APPROVE AND WAIVED THE READING OF THE FOLLOWING RESOLUTION:**

WHEREAS, "PERSON TO PERSON" HAS REQUESTED THE USE OF THE TOWN HALL PARKING LOT FOR AN EVENT TO PERMIT CHILDREN TO SEE AND EXPLORE VARIOUS TYPES OF TRUCKS AND MOTOR VEHICLES, AND

WHEREAS, "PERSON TO PERSON" WILL PROVIDE ALL NECESSARY CERTIFICATES OF INSURANCE AND HEALTH PERMITS THAT MAY BE REQUIRED, AND

WHEREAS, THE PERIOD OF USE OF THE PARKING LOT HAS BEEN TENTATIVELY SCHEDULED FOR SUNDAY, SEPTEMBER 28, 2003 FROM NOON TO 4:00 P.M., A TIME PERIOD WHEN THE PARKING LOT WILL NOT BE IN USE BY THE TOWN, NOW THEREFORE BE IT

RESOLVED, THAT THE BOARD OF SELECTMEN HEREBY APPROVES THE USE OF THE TOWN HALL PARKING LOT BY "PERSON TO PERSON" FOR THE PROPOSED PROGRAM.

**** MS. THORNE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

RESOLUTION APPROVING THE EXPENDITURE OF UP TO AN ADDITIONAL \$25,000 TOWARDS FURTHER TESTING OF THE PROCACCINI PROPERTY.

First Selectman Harrel stated he received a copy of the letter Town Counsel sent to Attorney Katz outlining the five areas of concern to do Phase 2 testing. He also reported that he will give the Board of Finance the breakdown of the numbers.

Ms. Thorne stated that they needed to do Phase 2 testing before any final decision is made. Mr. Warren agreed it was the appropriate thing to do and whether it was cleaned before or after it was in the best interest of the Town. Mr. Warren continued he was more interested to see the process move along at a pace to purchase the property so that the Town does not get shut out. He stated he would not want a lost opportunity because the Town did not move quickly enough.

**** MR. WARREN MOVED TO APPROVE AND WAIVED THE READING OF THE FOLLOWING RESOLUTION:**

WHEREAS, ON APRIL 8, 2003 THE BOARD OF SELECTMEN AUTHORIZED THE EXPENDITURE OF PUBLIC FUNDS TO CONSIDER ACQUIRING FOR MUNICIPAL PURPOSES APPROXIMATELY 13± ACRES OF LAND OF WHAT IS COMMONLY REFERRED TO AS THE PROCACCINI PARCEL, LOCATED EAST OF HOYT STREET AND NORTH OF WAKEMORE STREET WITHIN THE TOWN OF DARIEN; AND

WHEREAS, IN CONJUNCTION WITH SAID ACQUISITION, IT WAS DEEMED APPROPRIATE TO HAVE A NUMBER OF PRELIMINARY STEPS TAKEN INCLUDING A REAL ESTATE APPRAISAL, A SURVEY OF THE PROPERTY AND VARIOUS ENVIRONMENTAL SITE ASSESSMENTS, AND

WHEREAS, FOLLOWING THE COMPLETION OF THESE PRELIMINARY STEPS, IT IS NECESSARY TO CONDUCT ADDITIONAL SURVEYS OF THE AREA AND FURTHER ENVIRONMENTAL ASSESSMENTS TO PROPERLY JUDGE THE VALUE OF THE PROPERTY, NOW THEREFORE BE IT

RESOLVED, THAT THE BOARD OF SELECTMEN APPROVES THE EXPENDITURE OF UP TO TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS FOR SAID ADDITIONAL SURVEYS AND ENVIRONMENTAL ASSESSMENTS, AND BE IT FURTHER

RESOLVED, THAT THE BOARD OF SELECTMEN MOVES THAT THIS REQUEST BE SUBMITTED TO THE BOARD OF FINANCE FOR ITS REVIEW AND APPROVAL.

**** MS. THORNE SECONDED.
** MOTION PASSED UNANIMOUSLY.**

DISCUSSION OF VISION STATEMENT TO BE INCLUDED IN THE 2005 TOWN PLAN OF DEVELOPMENT.

Mr. Crary reported that Jeremy Ginsberg had previously mentioned he would like to put a Vision or a Mission Statement from the Board of Selectmen in the new Town Plan of Development. Mr. Crary distributed examples he had put together and the Board reviewed them. Some suggestions were to reference the Town as being a shoreline community and business community as additions to the statement.

Mr. Crary stated he would put together more ideas for the next meeting.

Ms. Linda Santarella questioned where the Vision Statement would appear in the Town Plan of Development. The Board thought it would be in the introduction but would confirm it. Mr. Warren stated the emphasis needed to be on the Town being a single-family residential community and that there had to be a mix for the Town to be vital.

CONSIDER AND TAKE ACTION ON THE REQUEST OF THE PARKS AND RECREATION DIRECTOR FOR A TRANSFER OF APPROPRIATIONS OF \$5,200 FROM ACCT. A0773001-81003, RECREATIONAL FACILITIES - SEASONAL TO ACCT. A077300L-8 1004, OVERTIME.

**** MR. WARREN MOVED TO APPROVE THE REQUEST OF THE PARKS AND RECREATION DIRECTOR FOR A TRANSFER OF APPROPRIATIONS OF \$5,200 FROM ACCT. A0773001-81003, RECREATIONAL FACILITIES - SEASONAL TO ACCT. A077300L-8 1004, OVERTIME.
** MS. THORNE SECONDED.
** MOTION APPROVED UNANIMOUSLY.**

CONSIDER AND TAKE ACTION ON THE REQUEST OF THE PLANNING AND ZONING DIRECTOR FOR A TRANSFER OF APPROPRIATIONS AS FOLLOWS:

From:			To:		
<u>Acct. No.</u>	<u>Account</u>	<u>Amount</u>	<u>Acct. No.</u>	<u>Account</u>	<u>Amount</u>
A0221002-82002	Conferences	\$192	A0221001-81004	Overtime	\$1270
	& Meetings	\$156			
A0221002-82003					
A0221002-82034	Software Maint	\$260			
	& Support				
A0221002-82012	Consulting	\$662			
	TOTAL	\$1270		TOTAL	\$1270

** MS. KLEIN MOVED TO APPROVE THE REQUEST OF THE PLANNING AND ZONING DIRECTOR IN THE AMOUNT OF \$1,270.

** MS. THORNE SECONDED.

** MOTION PASSED UNANIMOUSLY.

CONSIDER AND TAKE ACTION ON THE REQUEST OF THE PLANNING AND ZONING DIRECTOR FOR A TRANSFER OF APPROPRIATIONS AS FOLLOWS:

From:			To:		
<u>Acct. No.</u>	<u>Account</u>	<u>Amount</u>	<u>Acct. No.</u>	<u>Account</u>	<u>Amount</u>
A0224002-82004	EPC Clerical	\$780	A0222002-82004	P&Z Clerical	\$1200
	Motor Equip.				
	Repair & Maint.				
A0221002-82040	Informational	\$120			
A0221003-83002	Materials	\$ 99			
A0223002-82004	ZBA Clerical	\$201			
	TOTAL	\$1200		TOTAL	\$1200

** MR. WARREN MOVED TO APPROVE THE REQUEST OF THE PLANNING AND ZONING DIRECTOR FOR A TRANSFER IN THE AMOUNT OF \$1,200.

** MS. THORNE SECONDED.

** MOTION PASSED UNANIMOUSLY.

CONSIDER AND TAKE ACTION ON THE REQUEST FOR A TRANSFER OF APPROPRIATIONS IN THE TELECOMMUNICATIONS BUDGET AS FOLLOWS:

From:			To:		
<u>Acct. No.</u>	<u>Account</u>	<u>Amount</u>	<u>Acct. No.</u>	<u>Account</u>	<u>Amount</u>
A0118002-82070	Info Sys Oper Training	\$10,900 5,150	A0118002-82050	Telecommunications	\$16,050
TOTAL		\$16,050	TOTAL		\$16,050

- ** MR. WARREN MOVED TO APPROVE THE REQUEST FOR A TRANSFER OF APPROPRIATIONS IN THE TELECOMMUNICATIONS BUDGET IN THE AMOUNT OF \$16,050.
- ** DR. MICELI SECONDED.
- ** MOTION PASSED UNANIMOUSLY.

CONSIDER AND TAKE ACTION ON THE REQUEST OF THE POLICE CHIEF FOR A TRANSFER OF APPROPRIATIONS OF \$8,400 FROM ACCT. A033223 1-81001, PATROL-FULL TIME SALARY TO ACCT. A0332282-82007, TRAFFIC CONTROL-PROF. SERVICES.

- ** DR. MICELI MOVED TO APPROVE REQUEST OF THE POLICE CHIEF FOR A TRANSFER OF APPROPRIATIONS OF \$8,400 FROM ACCT. A033223 1-81001, PATROL-FULL TIME SALARY TO ACCT. A0332282-82007, TRAFFIC CONTROL-PROF. SERVICES.
- ** MS. THORNE SECONDED.
- ** MOTION PASSED UNANIMOUSLY.

CONSIDER AND TAKE ACTION ON THE REQUEST OF THE POLICE CHIEF FOR A TRANSFER OF APPROPRIATIONS OF \$22,000 FROM ACCT. A033223 1-81001, PATROL-FULL TIME SALARY TO ACCT. A0332263-83007, MARINE PATROL-OPERATING SUPPLIES FOR EMERGENCY REPAIRS TO THE POLICE BOAT

- ** MS. THORNE MOVED TO APPROVE THE REQUEST OF THE POLICE CHIEF FOR A TRANSFER OF APPROPRIATIONS OF \$22,000 FROM ACCT. A033223 1-81001, PATROL-FULL TIME SALARY TO ACCT. A0332263-83007, MARINE PATROL-OPERATING SUPPLIES FOR EMERGENCY REPAIRS TO THE POLICE BOAT
- ** MR. WARREN SECONDED.
- ** MOTION PASSED UNANIMOUSLY.

**CONSIDER AND TAKE ACTION ON THE REQUEST OF THE FINANCE DIRECTOR
FOR A TRANSFER OF APPROPRIATIONS AS FOLLOWS:**

From:			To:		
<u>Acct. No.</u>	<u>Account</u>	<u>Amount</u>	<u>Acct. No.</u>	<u>Account</u>	<u>Amount</u>
A1003008-8200	Servicing Bonds	\$2500	A0993006-86600	Contingency	\$7500
	Independent				
A0114062-82007	Audit	\$3000			
	Independent				
A0114062-82007	Clerical				
	Services	\$2000			
	TOTAL	\$7500		TOTAL	\$7,500

**** MR. WARREN MOVED THE REQUEST OF FINANCE DIRECTOR FOR A
TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$7,500.**

**** DR. MICELI SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

FIRST SELECTMAN'S UPDATE

First Selectman Harrel asked Ms. Klein to update the Board on the 911 ceremony. Ms. Klein reported that the 911 Committee met this afternoon. She stated that there will be a dedication ceremony on the evening of September 11th, but not on the Post Road. She continued that they will do something at Town Hall with the flags and the churches will ring the bells. Ms. Thorne suggested that the schools have the flags at half-mast. Ms. Klein continued that the Committee will meet again on August 18th to finalize the program.

First Selectman Harrel reported that the Farmers Market started last Wednesday and was fairly well attended considering the rain.

First Selectman Harrel reported that the Darien Fire Department advised him that they received a grant for \$62,330 from the Federal Emergency Medical Agency and U.S. Fire Administration. He stated that the grant would be used to update their breathing apparatus and for a new Cascade System at the Darien Firehouse. He stated that currently the one Cascade System in Noroton is shared by all three departments.

First Selectman Harrel reported that he is working with the insurance company for Accidental Death and Dismemberment coverage up to \$200,000 for volunteer firemen to replace the current policy with Hartford Insurance.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

June 2, 2003 — Regular Meeting

June 5, 2003 — Special Meeting

June 11, 2003 — Special Meeting

The Board stated that they did not receive the minutes from June 2, 5 and 11, 2003, therefore could not approve them.

FORTHCOMING MEETINGS

July 7, 2003 — Meet with Department Heads on their Quarterly Reports at 4:30 p.m.

July 7, 2003 — Regular meeting at 5:30 p.m.

July 21, 2003 — Regular meeting at 8:00 p.m.

OTHER BUSINESS

(This being a special meeting, no items may be added to the agenda.)

EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS AND LAND ACQUISITION.

- ** MR. WARREN MOVED TO GO INTO EXECUTIVE SESSION AT 9:15 P.M. TO DISCUSS PERSONNEL MATTERS AND LAND ACQUISITION.**
- ** MS. THORNE SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

Respectfully Submitted,

Donna DeVito
Telesco Secretarial Services

